

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Patent Application of:)	Examiner: G. Wilson
)	
David T. Krick, et al.)	Art Unit: 3749
)	
Application No.: 10/802,378)	Confirmation No. 3802
)	
Filed: March 17, 2004)	
)	
For: AIR GRATE)	
)	

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APPELLANT'S APPEAL BRIEF:

Revision per Notification of Non-Compliant Appeal Brief

This paper is filed in response to the Notification of Non-Compliant Appeal Brief ("Notification") mailed May 3, 2007, for Appellant's failure to provide a summary of the claimed subject matter complying with 37 C.F.R. § 41.37(c)(1)(v). As provided by MPEP § 1205.03(B), an appropriate correction for this type of non-compliance is submission of a compliant summary of the claimed subject matter rather than submission of an entire new brief. As such, Appellant submits this corrected summary of the claimed subject matter.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Claims 1-23, 25, and 26 are directed to embodiments of an air grate suitable for use to cover a fab-level air flow opening. Support for the claims can be found throughout the specification as originally filed. A summary for the independent claims subject to this appeal as well as for those dependent claims argued separately are set forth below.

With regard to independent claim 1, said claim is directed to an air grate **100** comprising one or more pieces of one or more materials (see p. 5, ¶¶ [0019]-[0020], with reference to Figures 1a-1c and 2) adapted to partially cover no more than 40% of a spanned area (see p. 5, ¶¶ [0021], with reference to Figures 1a-1c), allowing air to flow through a plurality of openings **102** disposed in the uncovered portion of the spanned area to meet a semiconductor device manufacturing air flow requirement (see p. 4, ¶ [0014]; p. 5, ¶ [0021], with reference to Figures 1a-1c), where each of the openings **102** is sufficiently small to meet a semiconductor device manufacturing fall through object size limitation (see p. 4, ¶ [0015], with reference to Figures 1a-1c; pp. 5-6, ¶ [0024], with reference to Figures 1a-1c), and where the one or more materials are further adapted to meet a semiconductor device manufacturing spill protection requirement (see p. 4, ¶ [0017]), with reference to Figures 1a-1c). Dependent claims 2-8 add further limitations to the air grate of claim 1.

With regard to independent claim 9, said claim is directed to air grate **100** comprising one or more pieces of one or more materials (see p. 5, ¶¶ [0019]-[0020], with reference to Figures 1a-1c and 2) adapted to partially cover no more than 40% of a

spanned area (see p. 5, ¶¶ [0021], with reference to Figures 1a-1c), allowing air to flow through a plurality of openings **102** disposed in the uncovered portion of the spanned area to meet a semiconductor device manufacturing air flow requirement (see p. 4, ¶ [0014]; p. 5, ¶ [0021], with reference to Figures 1a-1c), where the one or more materials have a thickness less than 1.0 inch and a tensile strength to meet a semiconductor device manufacturing weight drop requirement of 300 lbs from a height of 2 feet (see p. 4, ¶ [0016]; p. 6, ¶ [0025], with reference to Figures 1a-1c), and where the one or more materials are further adapted to meet a semiconductor device manufacturing spill protection requirement (see p. 4, ¶ [0017]), with reference to Figures 1a-1c).

With regard to independent claim 16, said claim is directed to an air grate **100** comprising one or more pieces of one or more materials (see p. 5, ¶¶ [0019]-[0020], with reference to Figures 1a-1c and 2) adapted to partially cover a spanned area (see p. 5, ¶¶ [0020]) to allow air to flow through a plurality of openings **102** disposed in the uncovered portion of the spanned area to meet a semiconductor device manufacturing air flow requirement (see p. 4, ¶ [0014]; p. 5, ¶ [0021], with reference to Figures 1a-1c), with the one or more pieces of one or more materials being further adapted to cover the perimeter of the spanned area with an inwardly inclined edge **106** to meet a semiconductor device manufacturing spill protection requirement (see p. 6, ¶ [0028], with reference to Figures 1a-1c and 2).

With regard to independent claim 23, said claim is directed to a method for making air grate **100** in accordance with embodiments of the present inventions comprising forming an air grate mold for use to make an air grate that simultaneously meets (see pp. 6-7, ¶ [0030]), with reference to Figure 3, block 302) (a) a semiconductor

device manufacturing spill protection requirement (see p. 4, ¶ [0017]), with reference to Figures 1a-1c), (b) a semiconductor device manufacturing air flow requirement (see p. 4, ¶ [0014]; p. 5, ¶ [0021], with reference to Figures 1a-1c), (c) a semiconductor device manufacturing fall through object size limitation (see p. 4, ¶ [0015], with reference to Figures 1a-1c; pp. 5-6, ¶ [0024], with reference to Figures 1a-1c), and (d) a semiconductor device manufacturing weight fall requirement (see p. 4, ¶ [0016]; p. 6, ¶ [0025], with reference to Figures 1a-1c). Claim 23 further comprises injecting a material into the air grate mold to create an air grate (see p. 7, ¶ [0031], with reference to Figure 3, block 304); p. 6, ¶ [0025], with reference to Figures 1a-1c).

With regard specifically to dependent claims 7, 14, and 22, which are argued separately herein, said claims is directed to an air grate including all of the limitations of independent claims 1, 9, and 16, respectively, wherein the one or more pieces of one or more materials may be further adapted to have a post installation raised height of about 0.5 inch to meet the semiconductor device manufacturing spill protection requirement (see p. 6, ¶ [0027], with reference to Figures 1a-1c and 2).

With regard specifically to dependent claims 8 and 15, which are argued separately herein, said claims are directed to an air grate including all of the limitations of claims 1 and 9, respectively, wherein the one or more pieces of one or more materials may be further adapted to cover the perimeter of the spanned area with an inwardly inclined edge **106** to meet the semiconductor device manufacturing spill protection requirement (see p. 6, ¶ [0028], with reference to Figures 1a-1c and 2).

CONCLUSION

Appellant respectfully submits that this new summary of the claimed subject matter puts Appellant's appeal brief into compliance with 37 C.F.R. § 41.37 and requests that the Board of Patent Appeals and Interferences consider the arguments set forth in the previously-filed appeal brief to overrule the Examiner and direct allowance of the rejected claims.

Appellant previously submitted the appeal brief with a check for \$500 to cover the appeal fee for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Appellant does not believe any fees, in particular extension of time fees, are needed with this submission. However, should fees be necessary, please charge Deposit Account No. 500393. In addition, please credit any overages to the same account.

Respectfully submitted,
SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: 05/22/2007

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